

- 347 Refusing to obey an order from any staff member.
348 Insolence, vulgarity or profanity toward any person(s).
350 Lying or providing a false statement.
351 Participating in any unauthorized meeting or gathering.
352 Failing to stand count, being late for count or interfering with the taking of count.
353 Any unauthorized possession, alteration, removal or relocation of personal property.
356 Refusing to work or accept a work, program or housing assignment or unauthorized absence from any work or program assignment.
357 Unauthorized use, operation or possession of a motor vehicle, driver's license, motor vehicle keys or registration.
360 Disruptive, unruly, rowdy conduct, making unreasonable noise or disturbing other people, arguing or horseplay.
361 Unauthorized use or abuse of mail, telephones, or visitation.
362 Conspiracy/Attempting/Aiding/Abetting to commit any Class C offense.
364 Interfering with a staff member in the performance of his/her duties.
366 Being in an unauthorized area.
367 Gambling or possession of gambling paraphernalia, or preparing or conducting a gambling pool, lottery, drawing or other game of chance.
370 Cruelty to animals
371 Failure to meet standards of performance on work or program assignment, if able to do so.
372 Fighting
373 Punctuality and Attendance

Class D Offenses

- 465 Violating any facility rule, regulation, or standing order if said rule, regulation, or standing order has been posted or otherwise communicated to the offender.
469 Failure to follow safety or sanitation regulations, using any equipment or machinery unless specifically authorized to do so or operating such equipment or machinery in a manner contrary to instructions or posted standards.
472 Being unsanitary or untidy; failure to keep one's person or one's quarters in accordance with standards which have been posted or otherwise communicated.
473 Unauthorized contact with the public.

SANCTIONS

Sanction	A	B	C	D
Disciplinary segregation (months)	6	3	15 days	NO
Reduction in credit class	1 grade	1 grade	NO	NO
Restriction-privileges (days)	45	30	15	5
Loss of earned credit time (months)	6	3	NO	NO
Extra work (hours)	20	20	20	10
Restitution	Amount of Loss	Up to \$200	NO	
Rm. Confinement	NO	15 days	5 days	
Bldg. Confinement	NO	30 days	15 days	
Reprimand	Written	Written	Written	Verbal
Verbal Suspension from work (days)	30	15	5	NO

(NOTE: Certain conditions may apply that will allow some sanctions to be increased for egregious (serious) Class A offenses. See Policy 02-04-101 for details.)

- A. Any allowable sanction or combination of sanctions may be imposed.
B. The reason(s) for imposing a sanction or combination of sanctions must be documented on the REPORT OF DISCIPLINARY HEARING.
C. Any period of disciplinary segregation imposed as a result of a prohibited act committed while an offender is already in segregation shall be served consecutively to any other disciplinary segregation sanction the offender has previously received.
D. No sanction of extra work may exceed twenty (20) hours for any one (1) rule violation or more than four (4) hours in any 24 hour period. An offender shall not receive state wages for extra work.
E. Seriousness of the instant offense shall be considered when imposing a sanction.
F. Frequency and nature of prior violations will be considered.
G. The degree to which the violation disrupted or endangered others or the security of the facility or program shall be considered.
H. Offender's attitude and demeanor before and during the hearing shall be considered.
I. Likelihood of the sanction(s) having a corrective effect on the offender's future behavior shall be considered.
J. Current security level assignment of the offender shall be considered.

- K. Current participation in education, rehabilitative or work programs shall be considered with the intent to disrupt participation in these programs as little as possible.
L. All or part of the above sanctions may be suspended pending the offender's future behavior, provided the circumstances of the case as well as the offender's behavior merit such action. The length of time that an offender may be under a suspended sanction is six (6) months. When under a suspended sanction and found guilty of a Major offense, the offender shall have the full suspended sanction(s) imposed effective the date of the new hearing. Suspended sanctions may be added to sanctions applied to the new offense. The total sanctions may exceed the allowable limits.
M. The following shall not be imposed:
1. Corporal punishment.
2. Confinement in disciplinary segregation without the opportunity for at least one (1) hour of exercise outside the immediate living quarters five (5) days per week, unless the Department finds and documents that this opportunity will jeopardize the safety of the offender, others or the security of the facility.
3. Major change in heating/lighting/ventilation.
4. Restrictions on authorized or issued clothing, bedding, mail, visitation, reading and writing materials or the use of hygienic facilities, unless these privileges are abused.
5. Restrictions on medical and dental care, access to courts, legal counsel, government officials or grievance proceedings and access to personal papers and legal materials.
6. A deviation from the diet provided to other committed persons in the facility or program except for documented medical reason(s).
7. Humiliation, mental abuse or punitive interference with the daily functions of living, such as eating or sleeping.
N. When sanctions involving loss of privileges are imposed, the facility shall ensure that the offender is provided at least minimal access to the privilege.

This brochure presents a SUMMARY of the offenses and sanctions from Policy 02-04-101. This brochure does NOT present the entire procedure. You may review or obtain a complete copy (at your expense) of Policy 02-04-101 from staff or the Law Library in accordance with Department procedures.



INDIANA DEPARTMENT
OF CORRECTION

Disciplinary Process for Adult Offenders

June 1, 2012

INTRODUCTION

Policy 02-04-101, "The Disciplinary Code for Adult Offenders," establishes the rules of conduct for offenders committed to the Department of Correction and the procedures to be followed by staff and offenders when imposing disciplinary actions.

Policy 02-04-101 encourages self-discipline and self-control and assists in preparing the offender for re-entry into the community by setting rules to be followed. This policy serves as a means for the Department to manage offenders in a just and fair manner to ensure the safety and security of the facilities, staff and offenders.

If staff believes that you have committed one of the following offenses, you may be given a warning or an Informal Conduct Report if the offense is a Minor Offense which may result in loss of privileges or extra work. If the violation is for a Major or Class C offense, you may be given a formal Report of Conduct and be required to meet with a Hearing Officer. In this case, you will receive a copy of the Report of Conduct and will meet with a Disciplinary Review Officer who will explain your rights and tell when your hearing is scheduled. You have the following rights:

1. At least 24 hours written notice of the violation and hearing before a hearing is held.
2. The opportunity to have the disciplinary case heard before an impartial decision maker (Hearing Officer);
3. The opportunity to call witnesses and present documentary evidence when consistent with facility safety and security; and,
4. A written statement by the fact-finder (Hearing Officer) of the evidence relied on and the reasons for the disciplinary action.

The Disciplinary Review Officer will ask if there is any evidence or witnesses for the hearing and whether you need help in preparing a defense for the charges. If you need help, you may request a staff person or another offender to act as a Lay Advocate to help you prepare your defense, but they will not speak on your behalf.

Generally, the Disciplinary Hearing will be held within 7 working days of the alleged violation. However, there may be reasons why the hearing cannot be held within that time. Holding the hearing outside the 7 working days is not grounds for a case to be dropped or dismissed nor is it grounds for an appeal.

If the offense is a threat to the safety and security of the facility, you may be placed in segregation pending the hearing. Any time spent in segregation pending the hearing will be credited to you if you are found guilty and given disciplinary segregation.

If you are found guilty of an offense, you will have the right to appeal the case to an impartial appeal responder. Appeals are to be based upon violations of your due process rights and not simply because of minor procedural errors, unless the errors result in a violation of the due process rights, relate to a matter of adequate evidence or if the sanctions are outside the guidelines.

If you are reduced in credit class as a sanction, you will automatically be promoted to the next higher credit class if you do not receive any Major Conduct violations in the next 90 days. If you lose earned credit time, up to 90% of the lost credit time may be restored within 18 months if you do not have any other Major violations.

If you are found not guilty, your case is dismissed or your appeal is granted, all records regarding the case will be removed from your official record.

All rights may be suspended by the Facility Head in an emergency or if they may jeopardize a criminal prosecution.

MAJOR OFFENSES

Class A Offenses

- 100 Violation of any federal, state, or local law
- 102 Assault/ battery upon another person, with a weapon (including the throwing of body fluids or waste on another person) or inflicting serious injury.
- 103 Encouraging, directing, command, coercing, or signaling one or more other persons to Riot.
- 106 Possession or use of any explosive, ammunition, hazardous chemical (e.g., acids or corrosive agents) or dangerous or deadly weapon.
- 108 Escape.
- 111 Conspiracy/Attempting/Aiding/Abetting to commit any Class A offense.
- 113 Engaging in trafficking with anyone who is not an offender residing in the same facility.
- 114 Sexual Act with a Visitor.
- 115 Non consensual Sexual Act-Non consensual contact of a sexual nature by an offender with another person.

- 116 Refusing a Mandatory Program authorized by statute or the Commissioner.
- 117 Assault on Staff (including contractors and volunteers) which results in serious bodily injury.
- 120 Violation of Condition of Temporary Leave

Class B Offenses

- 200 Being found or pleading guilty to 5 unrelated Class C offenses in a period of 6 months or less
- 202 Possession or use of any unauthorized substance controlled pursuant to the laws of the State of Indiana or possession of drug paraphernalia.
- 203 Refusal to submit to any testing or sampling required by statute (e.g., DNA sampling) or refusal to submit to a test to determine the presence of alcohol or a controlled substance, including failure to provide an adequate or unadulterated specimen for testing purposes.
- 204 Abusive Sexual Contact. Contact of a sexual nature with any person which includes intentional touching
- 207 Possession of electronic device
- 208 Security Threat Group/Unauthorized Organizational Activity.
- 209 Impairment of surveillance. Obstructing staff's line of sight or electronic surveillance equipment
- 212 Assault/battery upon another person without a weapon or inflicting serious injury (e.g. fighting).
- 213 Threatening another with bodily harm or with an offense against the person or property.
- 215 Unauthorized possession, destruction, alteration, damage, or theft of property belonging to another.
- 216 Sexual Conduct- sexual intercourse/contact with another person who consents or exposing/ fondling/touching oneself.
- 218 Possession of literature or plans regarding an explosive, ammunition or a dangerous or deadly weapon.
- 219 Possession of escape paraphernalia, a disguise, a mask, or a dummy or dummy-like object.
- 220 Engaging in or possessing materials used for unauthorized financial transactions. This includes, but is not limited to, the use of possession of identifying information of credit cards, debit cards, or any other card used to complete a financial transaction.
- 222 Setting a fire without authorization.
- 223 Engaging in, or encouraging others to engage in, a group demonstration, work stoppage or refusal to work.
- 226 Tampering with, altering or blocking any locking device or mechanism or possession of any device that may be used to pick locks.

- 228 Unauthorized possession of any item of property that has been altered or modified from its intended use for the purpose of being used as a weapon.
- 230 Counterfeiting, forging, or unauthorized reproduction or possession of any document, article, identification, money, passes, security or official paper.
- 231 Making or possessing intoxicants, or being under the influence of any intoxicating substance.
- 233 Giving or offering a bribe or anything of value to a staff member, authorized volunteer, visitor or contractor or possessing, giving to or accepting from any person anything of value without proper authorization.
- 235 Fleeing or physically resisting a staff member in the performance of his/her duty.
- 236 Disorderly conduct: exhibiting disruptive and/ or violent conduct which disrupts the security of the facility or other area in which the offender is located.
- 240 Conspiracy/Attempting/Aiding/abetting to commit any Class B offense.
- 243 Filing a frivolous, unreasonable or groundless civil claim.
- 246 Unauthorized possession and/or display of any symbol, paraphernalia, photograph or any other item or behavior which is offensive or may intimidate another person.
- 247 Possession or solicitation of unauthorized personal information of any person
- 250 Community Re-Entry Center/Community Transition Program Violations

MINOR OFFENSES

Class C Offenses

- 302 Making sexual gestures or advances towards another person.
- 304 Tattooing, self-mutilation or possession of tattooing paraphernalia.
- 305 Use or possession of any tobacco, tobacco associated products or unauthorized tobacco substitute products (including, lighters, matches, cigarette rolling papers)
- 306 Unauthorized possession of money or currency.
- 307 Unauthorized possession of food items, including obtaining more meals or food items than authorized,
- 344 Misuse of authorized medication or possession of unauthorized medication.
- 346 Unauthorized participation in any business activity.